

I certify this to be a true and correct
copy of the indicated document as
referred or transmitted to committee.

Chief Clerk of the House

FILED JAN 31 2007

By: Yvonne G. Toureilles

H.B. No. 1020

A BILL TO BE ENTITLED

AN ACT

relating to the Bee Groundwater Conservation District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle H, Title 6, Special District Local Laws
Code, is amended by adding Chapter 8804 to read as follows:

CHAPTER 8804. BEE GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8804.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a board member.

(3) "District" means the Bee Groundwater Conservation
District.

Sec. 8804.002. NATURE OF DISTRICT. The district is a
groundwater conservation district in Bee County created under
Section 59, Article XVI, Texas Constitution.

Sec. 8804.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
The district is created to serve a public use and benefit.

(b) All land and other property in the district will benefit
from the works and projects accomplished by the district under
powers conferred by Section 59, Article XVI, Texas Constitution.

(c) The creation of the district is essential to accomplish
the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8804.004. DISTRICT TERRITORY. The boundaries of the
district are coextensive with the boundaries of Bee County, except

1 for:

2 (1) the area in the municipal boundaries of the city of
3 Beeville as the boundaries existed on January 1, 1997;

4 (2) the area in the boundaries of the Pettus Municipal
5 Utility District as the boundaries existed on January 1, 1997; and

6 (3) the Tynan Water Corporation's service area on
7 January 1, 1997.

8 Sec. 8804.005. CONSTRUCTION OF CHAPTER. This chapter shall
9 be liberally construed to achieve the legislative intent and
10 purposes of Chapter 36, Water Code. A power granted by Chapter 36,
11 Water Code, or this chapter shall be broadly interpreted to achieve
12 that intent and those purposes.

13 [Sections 8804.006-8804.050 reserved for expansion]

14 SUBCHAPTER B. BOARD OF DIRECTORS

15 Sec. 8804.051. GOVERNING BODY; TERMS. (a) The district is
16 governed by a board of seven directors.

17 (b) Directors serve staggered four-year terms, with three
18 or four directors' terms expiring June 1 of each odd-numbered year.

19 (c) A director may serve consecutive terms.

20 Sec. 8804.052. ELIGIBILITY TO SERVE. (a) A person must own
21 land in the district to serve as a director.

22 (b) A person may not serve as a director if the person holds
23 another public office.

24 Sec. 8804.053. METHOD OF ELECTING DIRECTORS: SINGLE-MEMBER
25 DISTRICTS. (a) The board shall draw seven numbered single-member
26 districts for electing directors. The board may revise the
27 districts as necessary or appropriate.

1 (b) The board shall provide for one director to be elected
2 from each single-member district. A director elected from a
3 single-member district represents the residents of that
4 single-member district.

5 Sec. 8804.054. ELECTION DATE. The district shall hold an
6 election in the district to elect directors on the uniform election
7 date in May of each odd-numbered year.

8 [Sections 8804.055-8804.100 reserved for expansion]

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 8804.101. GROUNDWATER CONSERVATION DISTRICT POWERS
11 AND DUTIES. The district has the rights, powers, privileges,
12 functions, and duties provided by general law applicable to
13 groundwater conservation districts, including Chapter 36, Water
14 Code.

15 [Sections 8804.102-8804.150 reserved for expansion]

16 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

17 Sec. 8804.151. AD VALOREM TAXES. The district may not
18 impose an ad valorem tax at a rate that exceeds five cents on the
19 \$100 valuation of taxable property in the district.

20 SECTION 2. (a) The following actions of the Bee Groundwater
21 Conservation District are validated and confirmed in all respects
22 as if the actions had been done as authorized by law:

23 (1) all acts and proceedings of the district taken
24 before the effective date of this Act; and

25 (2) the election or appointment of directors of the
26 board of the district who took office before the effective date of
27 this Act.

1 (b) A governmental act or proceeding of the Bee Groundwater
2 Conservation District occurring after an act or proceeding
3 validated by this Act may not be held invalid on the ground that the
4 prior act or proceeding, in the absence of this Act, was invalid.

5 (c) This section does not apply to any matter that on the
6 effective date of this Act:

7 (1) is involved in litigation if the litigation
8 ultimately results in the matter being held invalid by a final
9 judgment of a court of competent jurisdiction; or

10 (2) has been held invalid by a final judgment of a
11 court of competent jurisdiction.

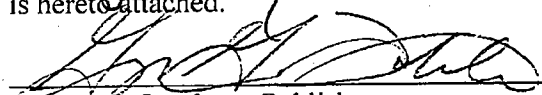
12 SECTION 3. Chapter 678, Acts of the 75th Legislature,
13 Regular Session, 1997, is repealed.

14 SECTION 4. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2007.

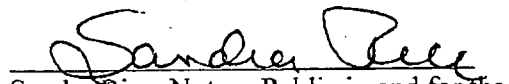
PUBLISHER'S AFFIDAVIT

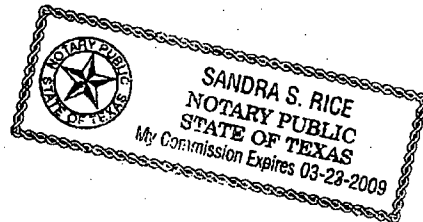
THE STATE OF TEXAS
COUNTY OF BEE

Before me, the undersigned authority, on this day personally appeared George G. Latcham, known to me, who, by me duly sworn, on his oath deposes and says that he is the Publisher of The Beeville Bee-Picayune, a newspaper published in Bee County; that copy of the within and foregoing Notice of Intent was published in said newspaper for one issues such publication being on the following dates: January 27, 2007 A.D. and a newspaper copy of which is hereto attached.


George G. Latcham, Publisher

Sworn to and subscribed before me by George G. Latcham, this 29th day of January 2007 A.D. to certify which witness my hand and official seal.


Sandra Rice, Notary Public in and for the State of Texas



My commission expires 3/23/09.

NOTICE OF INTENT TO INTRODUCE NOTICE

This is to give notice of intent to introduce in the 79th Legislature, Regular Session, a bill to be entitled an Act Relating to the codification of the authority of the Bee County Ground-water Conservation District under the Special District Local Laws Code.

SO1/27

LETTER OF TRANSMITTAL
HOUSE OF REPRESENTATIVES
STATE OF TEXAS

HB 1020

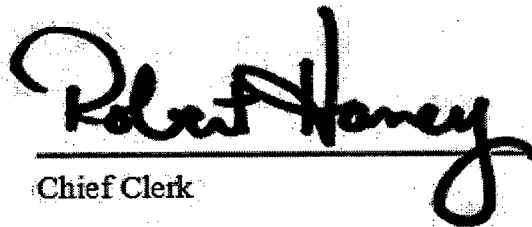
Bill Number

TO: The Honorable Governor of Texas
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Commission on Environmental Quality copies of a bill relating to a conservation and reclamation district and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Commission on Environmental Quality, under Section 59(d), Article XVI, Constitution of the State of Texas.

02/01/2007

Date transmitted to
Governor's Office


Chief Clerk
House of Representatives

TO: Texas Commission on Environmental Quality
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of a bill relating to a conservation and reclamation district and a copy of the notice of intention to introduce the bill.

MAR 07 AM 37

Date transmitted to
Texas Commission on Environmental Quality


Governor

TO: The Honorable Speaker of the House
The Honorable President of the Senate
The Honorable Governor of Texas
SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are the recommendations of the Texas Commission on Environmental Quality in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.


Texas Commission on Environmental Quality

HOUSE COMMITTEE REPORT

MAY -2 AM 1:39

HOUSE OF REPRESENTATIVES

1st Printing

By: Gonzalez Toureilles

H.B. No. 1020

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6 effective date of this Act:

7 (1) is involved in litigation if the litigation
8 ultimately results in the matter being held invalid by a final
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16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2007.

COMMITTEE REPORT

The Honorable Tom Craddick
Speaker of the House of Representatives

4/11/07
(date)

Sir:

We, your **COMMITTEE ON NATURAL RESOURCES**

to whom was referred HB 1026 have had the same under consideration and beg to report back with the recommendation that it

- ☒ do pass, without amendment.
☐ do pass, with amendment(s).
☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
☒ yes ☐ no A fiscal note was requested.
☐ yes ☒ no A criminal justice policy impact statement was requested.
☐ yes ☒ no An equalized educational funding impact statement was requested.
☐ yes ☒ no An actuarial analysis was requested.
☐ yes ☒ no A water development policy impact statement was requested.
☐ yes ☒ no A tax equity note was requested.
☒ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

Joint Sponsors: _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Puente, Chair	<input checked="" type="checkbox"/>			
Hamilton, Vice-chair	<input checked="" type="checkbox"/>			
Gattis, CBO	<input checked="" type="checkbox"/>			
Creighton	<input checked="" type="checkbox"/>			
Gallego				<input checked="" type="checkbox"/>
Guillen	<input checked="" type="checkbox"/>			
Hilderbran	<input checked="" type="checkbox"/>			
Laubenber	<input checked="" type="checkbox"/>			
O'Day	<input checked="" type="checkbox"/>			

Total

8 aye
8 nay
8 present, not voting
1 absent

Matt
CHAIR

BILL ANALYSIS

H.B. 1020
By: Gonzalez Toureilles
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Bee Groundwater Conservation District was created in the 75th Regular Legislative Session with the passage of Senate Bill 16 and amended in the 79th Regular Legislative Session by Senate Bill 1799.

House Bill 1020 will codify the two enactments into Chapter 8804, Special District Local Laws Code, a nonsubstantive codification of existing code. There are no changes in the district's authority, director districts, boundaries, operations or funding. This bill will update the district's current statute with current set of rules for all groundwater conservation districts.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 1020 amends Subtitle H, Title 6, of the Special District Local Laws Code by adding Chapter 8804. The bill will codify the two enactments into Chapter 8804, Special District Local Laws Code, a nonsubstantive codification of existing code. There are no changes in the district's authority, director districts, boundaries, operations or funding. This bill will update the district's current statute with current set of rules for all groundwater conservation districts.

House Bill 1020 also contains a validation provision so that all prior acts of the district are validated.

Act takes effect September 1, 2007.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

SUMMARY OF COMMITTEE ACTION

HB 1020

March 28, 2007 2:00 PM or upon final adjourn./recess

Considered in public hearing

Testimony taken in committee (See attached witness list.)

Left pending in committee

April 11, 2007 2:00 PM or upon final adjourn./recess

Considered in public hearing

Recommended to be sent to Local & Consent

Reported favorably without amendment(s)

2
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WITNESS LIST

HB 1020
HOUSE COMMITTEE REPORT
Natural Resources Committee

March 28, 2007 - 2:00 PM or upon final adjourn./recess

On: Stewart, Lonnie (Bee Groundwater Conservation District)

3
1

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 25, 2007

TO: Honorable Robert Puente, Chair, House Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1020 by Gonzalez Toureilles (Relating to the Bee Groundwater Conservation District.),
As Introduced

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, WK, DB

Kathleen Hartnett White, *Chairman*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

The Honorable Tom Craddick
Texas House of Representatives
Capitol Station
PO Box 2910
Austin, Texas 78768-2910

Re: Responsibility of the Texas Commission on Environmental Quality (TCEQ) Pursuant to Article XVI, Section 59(d), Texas Constitution

HB 1020, as Filed by Representative Yvonne Gonzalez Toureilles - Relating to the Powers and Duties of Bee Groundwater Conservation District

Dear Speaker Craddick:

The following comments are provided pursuant to the Constitutional requirements referenced above. Under those requirements, the TCEQ must submit, to the Governor, Lieutenant Governor and Speaker of the House of Representatives, the TCEQ's recommendations on specific legislation affecting water districts. We recommend that these comments be considered in the evaluation of the proposed legislation.

HB 1020 codifies special law for the Bee Groundwater Conservation District (District) as Chapter 8804, Special District Local Laws Code and validates and confirms by law previous District acts, proceedings, elections, and appointments. District matters pending on the effective date of the Act involved in litigation or that have been held invalid by a final judgment of a court of competent jurisdiction would not be validated or confirmed.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael D. Cowan".

Michael D. Cowan, Director
Water Supply Division

cc: The Honorable Robert Puente, Chairman, House Natural Resources Committee
The Honorable Yvonne Gonzalez Toureilles, Texas House of Representatives

Enclosure

5

PUBLISHER'S AFFIDAVIT

THE STATE OF TEXAS
COUNTY OF BEE

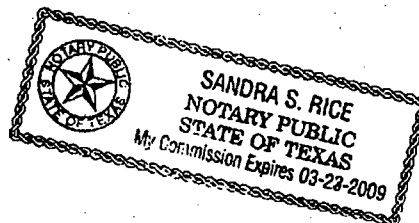
Before me, the undersigned authority, on this day personally appeared George G. Latcham, known to me, who, by me duly sworn, on his oath deposes and says that he is the Publisher of The Beeville Bee-Picayune, a newspaper published in Bee County; that copy of the within and foregoing Notice of Intent was published in said newspaper for one issues such publication being on the following dates: January 27, 2007 A.D. and a newspaper copy of which is hereto attached.

George G. Latcham
George G. Latcham, Publisher

Sworn to and subscribed before me by George G. Latcham, this 29th day of January 2007 A.D to certify which witness my hand and official seal.

Sandra Rice
Sandra Rice, Notary Public in and for the
State of Texas

My commission expires 3/23/09.



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SO1/27

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A BILL TO BE ENTITLED
AN ACT

by Yvonne G. Tanelle

relating to the Bee Groundwater Conservation District.

JAN 31 2007

Filed with the Chief Clerk

FEB 12 2007

Read first time and referred to Committee on Natural Resources

APR 11 2007

Reported favorably (~~unfavorably~~)
(~~as amended~~)

MAY - 2 2007

Sent to Committee on (~~Consent~~)
(Local & Consent Calendars)

Read second time (~~as amended~~) (~~amended~~); passed to third reading (~~third~~) by a (non-record vote)
(~~record vote of~~ yeas, nays, present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of yeas, nays, present, not voting

Read third time (~~amended~~); finally passed (~~failed to pass~~) by a (~~non-record vote~~)
(record vote of yeas, nays, present, not voting)

Engrossed

Sent to Senate

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

MAY 11 2007

HB 1020 LAID ON TABLE
SUBJECT TO CALL

Received from the House

Read and referred to Committee on _____

Reported favorably _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(yeas, nays)

Read second time, _____, and passed to third reading by (unanimous consent)
(a viva voce vote)
(yeas, nays)

Senate and Constitutional 3 Day Rules suspended by a vote of yeas, nays

Read third time, _____, and passed by a (viva voce vote)
(yeas, nays)

Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

_____ Returned from the Senate (as substituted)
(with amendments)

_____ House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House conferees appointed: _____, Chair; _____,
_____, _____,

_____ Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____,

_____ Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)

07 MAY -2 'AM 1:39

HOUSE OF REPRESENTATIVES